STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

November 17, 2005

Mr. John O. Murray
Kercher Engineering
413 E. Market Street
Georgetown, DE 19947

RE: PLUS review – PLUS 2005-10-03; Village on Pepper Creek

Dear Mr. Murray:

Thank you for meeting with State agency planners on October 26, 2005 to discuss the proposed plans for the Village on Pepper Creek project to be located on SC 401, 3,500 feet south of the DE Route 26 intersection.

According to the information received, you are seeking site plan approval for 87 residential units on 42.19 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Dagsboro is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office***

notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.

State Strategies/Project Location

- This proposal is located within an Investment Level 2 area according to the *Strategies for State Policies and Spending* with a small portion of Investment Level 3 along Pepper Creek, and it is located within the Town of Dagsboro. In these areas, State policies support development activities that are consistent with the character of the surrounding area.

Street Design and Transportation

- As proposed, the open space area behind Lot 24 would only be accessible in dry weather. It is recommended that the lot lines be redrawn to provide an access path that stays out of the wetlands.

The open space area will be graded so that it will stay dry in wet-weather conditions. The plan provided shows the open space in existing conditions only.

Natural and Cultural Resources

- To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that the developer minimize the amount of forest removal by relocating infrastructure to areas outside of the forest and designating community open space along the forested areas.

Tree clearing will be limited during construction and the developer will investigate creating tree-replacement strategies for the cleared areas.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

This proposal is located within an Investment Level 2 area according to the *Strategies for State Policies and Spending* with a small portion of Investment Level 3 along Pepper Creek, and it is located within the Town of Dagsboro. In these areas, State policies support development activities that are consistent with the character of the surrounding area.

The project site is adjacent to the old Indian River High School. The developer should contact the Indian River School District to inform them of the proposal and to determine how and where the project might provide pedestrian and/or bicycle connections to the site. A stub street should be provided to the undeveloped parcel to the north so that the town develops in an interconnected style of municipal development. Additionally, the developer should make efforts to preserve trees on the site and to adequately buffer the creek and wetlands to make the development more sensitive to the natural environment. Efforts should be made to incorporate active recreational amenities to the interior open space portions of the site, rather than simply using these areas for stormwater management.

The developer does not object to notifying the local school district as to what the proposed design and density for the development is. Sidewalks will be provided throughout the development and an existing sidewalk runs along the entire property frontage adjacent to Clayton Ave. The developer will investigate creating a tree-replacement ordinance for the development and provide amenities in open space areas throughout the development.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

Nothing is known within this parcel. It is adjacent to the Indian River High School (S-9136). The only historic map that shows anything here is the 1918 USGS 15' topographic map for Rehoboth, which shows a building near the southeast corner of the parcel on the road. While the potential for prehistoric-period archaeological sites here is generally low, there may be areas of higher potential along the creek.

The Indian River High School (now a school for lower grades) is well shielded from this development by later buildings around the historic core. Indeed, this development may have a beneficial effect on the historic school, by providing the opportunity for more children to walk to school here and encouragement to keep this school in use. The DHCA would appreciate the opportunity to check the parcel for archaeological sites, to learn something about their location, extent, and nature before any ground-disturbing activities take place.

The developer does not object to working with the DHCA to assure that no cultural or historical landmarks are damaged during the development of the subdivision.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

1) Contrary to the property information on the plan, it appears that the subject land is contiguous to the old Indian River High School property back near the tree line.

If that is correct, then depending on the school district's plans for the property, perhaps a pedestrian connection should be provided. DelDOT supports the recommendation from the Office of State Planning Coordination (OSPC) in that regard.

The developer is providing pedestrian walkways throughout the development and there is an existing sidewalk along Clayton Avenue across the entire property frontage.

2) DelDOT also supports the comment from the OSPC on the desirability of a stub street for a future connection to the Hudson Property to the north.

A stub for the Hudson Property is not planned at this time. If the Town of Dagsboro requires that the site plan be modified, a stub will be provided.

3) As proposed, the open space area behind Lot 24 would only be accessible in dry weather. It is recommended that the lot lines be redrawn to provide an access path that stays out of the wetlands.

The open space will be graded during the site design so that it will remain dry in wet-weather conditions.

4) The developer's site engineer should contact Mr. John Fiori, Subdivision Manager for Sussex County, regarding the specific requirements for access. He may be reached at (302) 760-2260.

If the site plan is approved by the Town of Dagsboro, detailed construction drawings will be developed and an entrance plan will be provided to Mr. Fiori for review and approval.

Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Soils

According to the soil survey update, Fort Mott, Pepperbox, Klej, and Longmarsh-Indiantown complex were mapped on subject parcel. Fort Mott is a well-drained upland soil that, generally, has few limitations for development. Pepperbox is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Klej is a somewhat poorly-drained transitional soil that is likely to contain both upland and

wetland soil (hydric) components. Longmarsh-Indiantown complex is a very poorly-drained wetland associated soil that has the severest of limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands. PLUS application materials indicate that wetlands have been delineated. This delineation should be verified by the Army Corps of Engineers through the Jurisdictional Determination process.

PLUS materials indicate that wetlands will not be directly impacted by construction activities. However, if impacts are anticipated please note that palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. Disturbance to wetlands should be avoided and vegetated buffers of no less than 100 feet should be employed from all wetlands and water bodies.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous "fallow period" of five years or greater in that parcel's cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel's cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

This project is located directly adjacent to headwater or near headwater riparian wetlands associated with Pepper Creek – greatly increasing the probability of harmful impacts to surface and groundwater quality of all waters within the greater Inland Bays watershed - making it more difficult for the State to achieve future required TMDL nutrient

reductions. In recognition of this concern, the Watershed Assessment Section strongly recommends that the applicant consider preserving as much of the existing forested buffer in adjoining said wetlands as is humanly possible. Otherwise, as mentioned previously, a 100-foot upland buffer width is the recommended minimum. Additionally, stormwater management ponds and lot lines should not be placed within delineated wetlands or upland buffers.

It has been proposed by the developer that no lots within the development shall contain any portion of the delineated wetland habitat. By doing this, the developer has reduced the opportunity for any of the wetland habitat to be adversely affected by the establishment of the Village on Pepper Creek.

ERES Waters

This project is located adjacent to receiving waters of Inland Bays designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware's "Surface Water Quality Standards" (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a "pollution control strategy" to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

The historical significance of Pepper Creek is understood by the developer and that is why he has proposed that no lot shall be placed within 150' of its conveyance. During the stormwater management design for the project a focus will be placed on utilizing BMP's, where practicable, and exceeding the design criteria established by the DNREC.

TMDLs

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Inland Bays Watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. This project

is located in the **high** nutrient reduction area requiring an 85 and 65 percent reduction in nitrogen and phosphorus, respectively.

Compliance with TMDLs through the PCS

The proposed pollution control strategy (PCS) will also require the completion of a nutrient budget for the proposed project in order to estimate how TMDL nutrient loads will change with the development of this parcel. The protocol for this nutrient budget is a computer-based model that considers a variety of land use scenarios in combination or absence of BMPs. Based on a preliminary evaluation of this project using this model, the development as currently conceived does not meet TMDL reduction requirements for Nitrogen. The applicant is encouraged to consider some of the above-suggested BMPs along with other redesign changes to ensure that these reductions are attained. We suggest that the applicant verify their project's compliance with the specified TMDL loading rates by running the model themselves. Please contact Lyle Jones of Watershed Section at 739-9939 for the acceptable model protocol.

Lots within the Village on Pepper Creek subdivision will be serviced by an existing municipal wastewater disposal system and the use of BMP's will be investigated during the stormwater management design process. It is the opinion of KEI and the developer that these measures will significantly limit the TMDL's for the development when compared to a "traditional" development that implements the use of septic system wastewater disposal and "dry" stormwater basins.

Impervious Cover

Since residential development significantly increases the amount of impervious cover - leading to large volumes of contaminant-laden runoff which ultimately drain into streams or waterways - the applicant is strongly urged to pursue both natural and constructed Best Management Practices (BMPs) to reduce such impacts. Reducing the amount of impervious surfaces by planting/preserving more trees and/or the use of pervious paving surfaces ("pavers") in lieu of asphalt or concrete are examples of ways to reduce such impacts. Research has consistently shown that once a watershed exceeds a threshold of 10 percent imperviousness, water and habitat quality irreversibly decline.

The developer intends to clear only the areas necessary for the placement of infrastructure for the development. Any runoff generated by impervious cover will be directed to stormwater management facilities throughout the development. These stormwater management facilities will be designed to comply with the most recent guidelines established by the DNREC and BMP's will be implemented in their design wherever practicable.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

It is not anticipated that dewatering wells will be necessary during the construction of Village on Pepper Creek. If it is found that they are required, the developer will apply for the appropriate permits.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through **Sussex Conservation District**. Contact Jessica Watson at (302) 856-7219 for details regarding submittal requirements and fees.

As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies.

If preliminary plan approval is granted by the Town of Dagsboro, construction drawings will be created and submitted to the Sussex Conservation District for review and approval.

Drainage

This project is within a tax ditch area (Pepper Creek Tax Ditch; see attached map). The setback of lots does not fall within the 80-foot from centerline tax ditch right-of-way. We request that all final plans or plats submitted to the Sussex County Recorder of Deeds denote the right-of-way.

The final record plan for the development will reflect all legal setbacks throughout the property.

Forests

According to 2002 aerial photos forested areas exist on this parcel; site plans show that lot lines will contain portions of the forest. 1937 images show that the existing trees were present at the time. Because of this, the forest is extremely beneficial as it is an old growth forest which provides important habitat for wildlife. PLUS materials indicate that 9.06 acres will be removed for development.

This particular area is adjacent to a large forested parcel, and is part of a large riparian corridor along Pepper Creek. As such, the forest on this parcel is an important component of this much larger system. Clearing trees here will cause "fragmentation" of the larger forest, resulting in a significant decrease in habitat value. Large contiguous stretches of forest like this not only provide important water and air quality benefits, but provide important habitat for many wildlife species that depend on interior forest. Clearing portions of the forest within the parcel may reduce the habitat value of the entire forest stretch.

Old growth forests support a variety of species. The plants, wildlife, and insects found in this forest are dependent upon the ecological conditions that are present. These conditions do not occur in younger, less mature forests. Many species of birds that are present in old growth forests rely on these conditions, species such as; raptors, owls, and songbirds. Critical nutrient recyclers, like lichens and fungi appear in mature forests rather than younger forests. The fallen trees in a mature forest provide shelter for insects and small mammals, such as bats. Because of the maturity of this forest, the developer is strongly encouraged to preserve, and where possible, enhance forested resources on site. This includes removing lot lines and infrastructure (such as storm water management ponds) from forested areas to the extent possible and minimizing any clearing activities. The forested areas on-site should be viewed as a community asset and managed appropriately.

Forested areas on-site set aside for conservation purposes should be placed into a permanent conservation easement or other binding protection. These areas should be clearly marked and delineated so that residents understand their importance and so that homeowner activities do not infringe upon these areas.

The developer understands DNREC's concerns as they pertain to tree clearing. As previously stated, the developer is investigating the creation of a tree-replacement

amendment to the covenants and restrictions for the subdivision that prospective property owners will be required to adhere to. It should be noted that the 9.55 acres of wetland habitat adjacent to Pepper Creek is entirely wooded and is being preserved.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that the developer minimize the amount of forest removal by relocating infrastructure to areas outside of the forest and designating community open space along the forested areas. Doing so will preserve and expand the existing buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents.

Clearing for open space will be limited to those areas that are to receive infrastructure or dwelling units.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Rare Species

DNREC has not surveyed this parcel; therefore it is unknown if there are state-rare or federally listed plants, animals or natural communities on this project site. They have records of Red-Headed Woodpecker (Melanerpes erythrocephalus) downstream from the project in the woods along Pepper Creek and it may also be present in the project area. In addition, DNREC has records of banded sunfish (Enneacanthus obesus) within Pepper Creek in the vicinity of the project. This rare fish utilizes aquatic vegetation as feeding areas, as nurseries, and as protection from predators.

Potential Hunting Issue

Because the project parcel is part of a larger forest block, legal hunting activities may take place on adjacent properties. Hunting within 100 yards of a dwelling is prohibited

and the applicant may want to contact adjacent landowners to determine if this is going to be an issue. In effect, the adjacent landowner will be losing 100 yards of their property for hunting if there is not buffer between lot lines and the adjacent property line.

The developer will work with local property owners to resolve any hunting issues that may arise due to the development of the Village on Pepper Creek.

Nuisance Waterfowl

It is unclear from the site plan where the stormwater management ponds are going to be located or if adequate buffers are planned. Stormwater management ponds that remain in the site plan may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species. DNREC recommends native plantings of tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (50 feet) around the perimeter. Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

The design of the project will incorporate the use of wet ponds in the vicinity of proposed amenities. The developer would like to provide full access to these ponds for residents, but will do what he can to incorporate measures which will inhibit the establishment of nuisance waterfowl habitat.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Army National Guard, Facility # 5-000092, Project # S9301002

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be

changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

The developer will notify the proper authorities if any contaminated groundwater of soil is encountered during construction.

Solid Waste

Each Delaware household generates approximately 3,600 pounds of solid waste per year. On average, each new house constructed generates an additional 10,000 pounds of construction waste. Due to Delaware's present rate of growth and the impact that growth will have on the state's existing landfill capacity, the applicant is requested to be aware of the impact this project will have on the State's limited landfill resources and, to the extent possible, take steps to minimize the amount of construction waste associated with this development.

The developer will recycle as much construction waste as possible to limit impacts to the local landfills.

Air Quality

Once complete, vehicle emissions associated with this project are estimated to be 6.7 tons (13,353.6 pounds) per year of VOC (volatile organic compounds), 5.5 tons (11,055.9 pounds) per year of NOx (nitrogen oxides), 4.1 tons (8,157.2 pounds) per year of SO2 (sulfur dioxide), 0.4 ton (726.1 pounds) per year of fine particulates and 558.5 tons (1,117,011.0 pounds) per year of CO2 (carbon dioxide).

Emissions from area sources associated with this project are estimated to be 2.7 tons (5,386.1 pounds) per year of VOC (volatile organic compounds), 0.3 ton (592.6 pounds) per year of NOx (nitrogen oxides), 0.2 ton (491.8 pounds) per year of SO2 (sulfur dioxide), 0.3 ton (634.6 pounds) per year of fine particulates and 10.9 tons (21,834.1 pounds) per year of CO2 (carbon dioxide).

Emissions from electrical power generation associated with this project are estimated to be 1.1 tons (2,134.7 pounds) per year of NOx (nitrogen oxides), 3.7 tons (7,424.9 pounds) per year of SO2 (sulfur dioxide) and 547.6 tons (1,095,176.9 pounds) per year of CO2 (carbon dioxide).

	VOC	NOx	SO_2	$PM_{2.5}$	CO_2
Mobile	6.7	5.5	4.1	0.4	558.5

Residential	2.7	0.3	0.2	0.3	10.9
Electrical Power		1.1	3.7		547.6
TOTAL	9.4	6.9	8.0	0.7	1117.0

For this project the electrical usage via electric power plant generation alone totaled to produce an additional 1.1 tons of nitrogen oxides per year and 3.7 tons of sulfur dioxide per year.

A significant method to mitigate this impact would be to require the builder to construct Energy Star qualified homes. Every percentage of increased energy efficiency translates into a percent reduction in pollution. Quoting from their webpage, http://www.energystar.gov/:

"ENERGY STAR qualified homes are independently verified to be at least 30% more energy efficient than homes built to the 1993 national Model Energy Code or 15% more efficient than state energy code, whichever is more rigorous. These savings are based on heating, cooling, and hot water energy use and are typically achieved through a combination of:

building envelope upgrades,
high performance windows,
controlled air infiltration,
upgraded heating and air conditioning systems,
tight duct systems and
upgraded water-heating equipment."

The energy office in DNREC is in the process of training builders in making their structures more energy efficient. The Energy Star Program is excellent way to save on energy costs and reduce air pollution. DNREC highly recommends this project development and other residential proposals increase the energy efficiency of their homes.

They also recommend that the home builders offer geothermal and photo voltaic energy options. Applicable vehicles should use retrofitted diesel engines during construction. The development should provide tie-ins to the nearest bike paths, links to mass transit, and fund a lawnmower exchange program for their new occupants.

The developer does not object to using Energy Star appliances throughout the development.

State Fire Marshal's Office – Contact: Duane Fox 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements**:
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Accessibility:**
- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Clayton Avenue must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

If the site plan is approved by the Town of Dagsboro, detailed construction drawings will be developed and submitted to the Office of the State Fire Marshal in Georgetown for review and approval.

c. **Gas Piping and System Information:**
- Provide type of fuel proposed, and show locations of bulk containers on plan.

d. **Required Notes**:
- Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

These notes have been provided on the site plan.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the Village on Pepper Creek application. The site is located on a long-range designated development area. The *Strategies for State Policies and Spending* encourages responsible development in areas within a Investment Level 2 area. This site is a part of a "good recharge" area. DNREC has mapped all ground water potential recharge areas. A "good" rating is the second highest rating and designates an area as having important groundwater recharge qualities. Maintaining pervious cover in "Excellent" and "Good" recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as "excellent" and "good" recharge areas adversely impacts the future prospects for agriculture in Delaware. In addition, this site overlaps with the State's Green Infrastructure Investment Strategy Plan. The Croplands layer is present in this site; this designation identifies areas that possess unique natural features that are valuable for preservation.

Neither the Delaware Department of Agriculture nor the Delaware Forest Service opposes the proposed subdivision. In addition, the Delaware Forest Service would ask the Developer to place a 30' forest/agricultural buffer along the sides and rear of the property

to lessen impact to the water resources and other properties adjacent to this site. Also, we ask that the developer try to stay out of the wooded area within this property. The Delaware Forest Service encourages the developer to contact our office for any information on landscape design, tree planting, tree care, and/or any other questions related to the development of this property.

10' wide landscaped buffers have been placed along the northern and southern property boundaries and a minimum 150' buffer is being maintained along Pepper Creek.

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

The project information sheets state that Artesian Water Company will be used to provide water for the proposed project. Records indicate that the project is located within the public water service area granted to the Town of Dagsboro under Certificate of Public Convenience and Necessity number 02-CPCN-13. It is recommended that the developer contact the Town of Dagsboro to determine the availability of public water. Any questions concerning CPCNs should be directed to the Public Service Commission at 302-739-4247. Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

The engineer for the Town of Dagsboro has verified that there is available capacity in the newly expanded distribution system for this development. The site developer will be responsible for obtaining the necessary permits to tie-in to the existing system.

Delaware State Housing Authority – Contact Jimmy Atkins 739-4263

DSHA supports this proposal because residents will have proximity to services, markets, and employment opportunities such as Investment Level 2 outlined in the *Strategies for State Policies and Spending*. However, it is important to note that the Town of Dagsboro has significant affordable housing needs and the proposal does not target first time homebuyers. This proposal is located in the Selbyville/Frankford County Census Division (CCD). The 2003 Statewide Housing Needs Assessment indicates that of the 10,527 occupied housing units in this CCD, 726 are substandard and 3,261 are occupied by low-income persons. In addition, this area is experiencing rapid price increases. Real estate data collected by DSHA indicates that in the third-quarter of 2005, the median housing price for this area was $236,727 - which is outside the affordability level of low- and moderate-income households earning 80% of area median income or $43,920. It is recommended the provision of units affordable to low- and moderate-income households, which will help address the area's affordable housing needs.

Kercher Engineering has not discussed what the price point for land/home packages within the development is with the client.

Sussex County – Contact: Richard Kautz 855-7878

The Sussex County Engineer Comments:

The proposed project is within the Dagsboro/Frankford Sanitary Sewer District (DFSSD) boundary. The proposed subdivision will consist of 87 single-family homes on 42 acres resulting in a density of 2.07 EDU/acre. The parcel is served with one six-inch lateral, which will have to be abandoned and a new connection point will be established during the concept plan approval process. A concept plan shall be reviewed and approved prior to beginning the construction review process to ensure proper alignment of pipelines and service to parcels within the subdivision. Sussex County requires design and construction of the collection and transmission system to meet Sussex County sewer standards and specifications. The Sussex County Engineering Department has placed a limit, on connections, of 30 units per year until the Dagsboro- Frankford Planning Study is complete and capacity becomes available, as referenced in a letter from Mr. Russell W. Archut, Assistant County Engineer to Mayor S. Bradley Connor, Mayor of Dagsboro. I

have attached a "Checklist for preparing concept plan drawings". System connection charges will be due prior to connection to the sanitary sewer system.

A utility concept plan has been prepared for this project and has been submitted to the Sussex County Engineering Department for review.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7839.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director

CC: Town of Dagsboro
Sussex County